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May 22, 2007

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VIA FACSIMILE

Honorable George A. Yanthis
United States Magistrate Judge
United States Courthouse
300 Quarropas Street
Room 118
White Plains, New York 10601-4150

Re: *In re Veeco Instruments Inc. Sec. Litig., 05 MD 1695 (CM) (GAY)*

Dear Magistrate Judge Yanthis:

I am counsel to Defendants in the above-referenced action. I write to request reconsideration of Your Honor's ruling that the deposition of Lead Plaintiff's accounting expert, Robert Berliner, should go forward on May 30, 2007. Defendants were preparing a response to the May 21, 2007 letter of Carole Broderick, counsel for Lead Plaintiff, on this issue when we received Your Honor's ruling. For the reasons stated, Ms. Broderick's proposal to proceed with Mr. Berliner's deposition eight days before he provides a "supplementation" of his earlier report to give his opinion on facts that he has recently learned is contrary to the Federal Rules and prior orders of this Court requiring expert depositions to come after, not before, reports are served.

The background facts are as follows.

I spoke to Ms. Broderick on May 17, 2007 concerning the possibility of scheduling Mr. Berliner's deposition on May 30, 2007. Ms. Broderick informed me for the first time during this conversation that Mr. Berliner intended to submit a supplemental expert report on May 29, 2007. Ms. Broderick did not propose, as she now states in her letter, "to deliver to Defendants on May 29, if possible, ... an outline of the subjects that would be addressed in a supplemental report, rather than the supplemental report itself." I informed Ms. Broderick that Defendants likely

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SO ORDERED:

Hon. George A. Yanthis
United States Magistrate Judge.

Client No.
94625-00001

Application to take deposition of accounting expert no later than June 15, 2007 is granted. The time for Lead Plaintiff's to take deposition of Defendants' accounting expert is also extended to June 15, 2007. Any request concerning motion in limine dates must be sent to Judge McMahon. All other dates remain same.

5/25/07